



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/629,781	07/31/2000	Gregory J. Wolff	074451.P117	4872
7590 01/28/2008				
Michael J Mallie Blakely Sokoloff Taylor & Zafman LLP 12400 Wilshire Boulevard Seventh Floor Los Angeles, CA 90025-1026				
		EXAMINER BAUTISTA, XIOMARA L		
		ART UNIT PAPER NUMBER 2179		
		MAIL DATE DELIVERY MODE 01/28/2008 PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/629,781

Applicant(s)

WOLFF ET AL.

Examiner

X. L. Bautista

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-29,31-33,35,36 and 44-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-29,31-33,35,36 and 44-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/10/2008</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1, 4-29, 31-33, 35, 36 and 44-47 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1, 4, 5, 13, 25-29, 31, 32, 35 and 44-46 are rejected under 35 U.S.C. 102(e) as being anticipated by Qureshey et al (US 2007/0180063 A1).**

Claims 1, 25-29, 31, 35, 44 and 46:

Qureshey discloses a network-enabled audio device (AD) having a display device that allows the user to select a playlist of music (media objects). The user accesses a server via a computer and the Internet in order to obtain a list of devices in his Internet Personal Audio Network (IPAN) and the songs stored on those devices. Qureshey explains that the user can compose a playlist using a computer (PC) but the user is able to listen to playlists and other audio sources without using the PC (abstract; p. 1, par. 0007-0011). Qureshey teaches identifiers

(titles of audio; name of a song) associated with a media object (par. 0015, 0019, 0128, 0156).

Qureshey teaches that the controller is connected to a communications network by a network cable, which may be, among others, a network cable or a connection to a wireless (e.g., satellite) unit, etc. (par. 0078, 0130) and it also explains that the communications network is a network comprised from the group consisting of the Internet, a telephone network, PSTN, a satellite network, a wireless network, etc. (p. 19, claim 7). Qureshey discloses a plurality of portable devices (CD player, MP3 player, DVD player, etc.) for storing and playing media (par. 0012, 0013). Qureshey explains that the AD allows the user to store files, to play standard audio CD's, to play MP3 encoded CDs, to record songs from CD's, to receive digitized radio broadcasts over the World Wide Web (Web), and to receive assignments of playlists of songs from other network-enabled audio devices (par. 0012). Qureshey teaches that a Local Area Network (second network) can be configured in place of, or in addition to, the Internet connection to facilitate assignments of playlists and other features (par. 0012, 0150). Qureshey teaches that the AD enables users to request music from various sources and put them into one place for listening pleasure (par. 0013).

Qureshey teaches that the IPAN client and the IPAN server store the name of the song and the associated Uniform Resource Locator (URL=identifier), (par. 0015). Qureshey teaches that at a default time, each device establishes a connection to an Internet Service Provider (ISP), (par. 0015, 0123); the software module in each device connects to the server site home page, via the ISP, and inquires whether any songs or playlists have been assigned to the device (appliance determines whether identified media objects are stored in the appliance, to retrieve the media

object from a first server (IPAN server) via a second network (Internet) different than the first network (Internet Personal Audio Network=IPAN) when the media object is not stored in the appliance), (par. 0015, 0021, 0080, 0138, 0150). Qureshey explains that that controller and the IPAN server are synchronized on a predetermined time period to provide the controller with identifiers (URLs) for identifying each media object (playlists) stored on the server (par. 0156, 0164, 0172).

Claim 4:

Qureshey discloses a first server (IPAN server) for storing the media objects (songs) corresponding to the identifiers (playlist; URL) stored in the controller (par. 0015, 0021).

Claim 5:

Qureshey discloses media objects that are retrieved from the first server (IPAN server) using the identifier (URL), (par. 0015, 0123, 0145).

Claim 13:

Qureshey teaches selectable URLs as identifiers (par. 0015).

Claim 32:

Qureshey teaches that the user is prompted for a password and needs to establish a user's account (par. 0099).

Claim 45:

Qureshey teaches a network-enabled audio device (AD) coupled to multiple devices (including portable devices. Qureshey teaches a first network and a second network that

may be one of a local area network (LAN), Internet, a telephone network, PSTN, a satellite network, a wireless network, etc. (par. 0016, 0130; p. 19, claim 7).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Qureshey et al (US 2007/0180063 A1) and Taylor et al (US 2005/0268160 A1).**

Claims 6 and 7:

See claim 1. Qureshey teaches that playlists are stored on the server site IPAN 1433 in addition to the PC IPAN client 1508 or device 1510 (par. 0156). Qureshey teaches that the appliance retrieves the media object from any of the devices connected to the IPAN (par. 0012-0017, 0158-0159; 0162). Qureshey does not teach a second server for storing media objects stored in the first server. However, Taylor discloses a data management method and system for storing and retrieving media data in response to user access requests (abstract; p. 1, par. 0006-0010). Taylor teaches that media objects are replicated and stored on a first server and on a second server so that these objects don't act as "bottlenecks" when a substantial number of users request the same data item concurrently (par. 0030, 0039; fig. 12; par. 0073, 0075). Therefore, it

would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Qureshey's method of requesting/retrieving media objects to include Taylor's teaching of providing two servers because, as Taylor explains, this allows the media server to deliver a much larger volume of programs (data, information, media, etc.) in real-time and it permits faster retrieval.

6. Claims 8-12 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Qureshey/Taylor and Benson et al (US 2004/0039741 A1).

Claim 8-12 and 33:

See claim 1. Qureshey discloses a software module that is configured to decode compressed audio files into a playable (uncompressed) format (par. 0010, 0019, 0101, 0127). Qureshey does not teach a decryption key for retrieving media objects and retrieving media objects from the server in an encrypted or decrypted form. However, Benson discloses a method and system for managing a data object so as to comply with predetermined conditions for usage of the data object (abstract; par. 0016-0022). Benson teaches an appliance having a microprocessor controller for decrypting and using control rules and other selected encrypted information content encapsulated in a secure container by using a cryptographic key and applying the decrypted control rules to regulate use in accordance with control information contained within the control rules (par. 0129; p. 15, claims 81-82). Thus, it would have been obvious to a person having ordinary skill in the art at the time of invention to modify

Qureshey/Taylor's invention to include Benson's teachings of using a decryption key for the stored media objects because, as Benson explains, it facilitates management of a diverse set of use and/or distribution rights which may be specific to different users and/or appliances.

7. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Qureshey and Dom et al (6,166,735).

Claims 14 and 15:

See claim 1. Qureshey teaches identifiers that can be selected by the user for playing or retrieving media objects (par. 0015) but it does not teach visual representations being thumbnail images. However, Dom discloses a system for browsing video data objects provided from a remote repository over a network. Dom teaches that the invention facilitates user browsing of video objects stored at remote repositories such as a remote network server and downloading of the object (col. 4, lines 58-63). Dom shows a group of thumbnails in fig. 3 (col. 9, lines 25-29). Therefore, it would have been obvious to one ordinarily skilled in the art at the time the invention was made to modify Qureshey's media system to include Dom's teaching of retrieving media objects from servers at multiple networks by selecting thumbnail images because users are provided with an interface that displays a visual listing of pictorial images that represent media objects, which facilitates finding, retrieving and downloading of desired media objects.

8. Claims 16-19 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Qureshey/Dom and Morris et al (US 6,097,389).

Claims 16 and 36:

Qureshey/Dom does not teach a second group including selected thumbnail images from a first group including all the stored thumbnail images. However, Morris discloses a method and apparatus for providing a user interface for presenting a collection of digital media in a media container. Morris illustrates, in figs. 12B and 12F, two groups of thumbnails; the first group is in the thumbnail region 305 for displaying all the thumbnails 1265, and the second group is in the album page region 309 for displaying selected thumbnails 1261. Thus, it would have been obvious to a person having ordinary skill in the art at the time of invention to modify Qureshey/Dom's invention to include Morris's teaching of a first and second region for grouping thumbnails because they allow the user to create different collections of documents or media objects, which may be desirable in some cases.

Claims 17-19:

See claims 1 and 16. Qureshey teaches requesting media objects, a playlist for playing the media objects and an appliance for playing the media objects listed on the playlist. Morris teaches a first subgroup including a list of thumbnails (media objects) and a second subgroup including one or more thumbnails (figs. 12B and 12F).

9. **Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Qureshey/Dom/Morris and Yang et al (US 6,301,586 B1).**

Claim 20:

Qureshey teaches a microphone (par. 0079) but it does not teach recording an audio annotation associated with a thumbnail image. However, Yang discloses a system and method for managing multimedia objects such as text, images, sound and video. The system has software tools that facilitate input, manipulation and output of multimedia objects (abstract; col. 1, lines 45-67; col. 2, lines 1-25). Yang teaches a user interface for recording audio annotations for a selected image (fig. 30; col. 27, claim 19). The user interface allows a user to obtain a thumbnail view of images in multimedia objects (abstract; fig. 32). Yang explains that a user can select an image file and record an audio annotation file for the selected image (fig. 30; col. 22, lines 49-54). Yang teaches a user interface having a pop-up display of a dialog that includes an entry field for global annotation of text (fig. 29; col. 27, claim 18). Yang teaches a microphone for creating audio files (fig. 1). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Qureshey/Dom/Morris's invention to include Yang's teaching of creating audio and text annotations because they can be used for many purposes, such as to provide context to the image or to record information to be used later during editing or printing.

10. Claims 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Qureshey and Lin-Hendel (US 7,096,426 B1).

Claims 21 and 22:

Qureshey does not teach requesting to import the identifier associated with a media object not stored in the controller. However, Lin-Hendel discloses a system and method for presenting multiple objects stored in electronic media (abstract; col. 1, lines 26-38). Lin-Hendel teaches link-tokens, which are addressing pointers pointing to the memory location of the link destination. A link-token can be represented by a thumbnail. Lin-Hendel explains that selecting a link-token brings forth the destination object that is linked by the link-token, and it is presented for viewing or examination by the user (col. 1, lines 55-67; col. 2, lines 1-27). Lin-Hendel teaches that images can be imported and linked to another image, information, page, electronic media, object, advertising, etc. (fig. 12; col. 7, lines 1-22; col. 8, lines 34-67). Thus, it would have been obvious to one ordinarily skilled in the art at the time of invention to modify Qureshey's invention to include Lin-Hendel's teaching of importing identifiers and link or associate them with media objects because these identifiers allow the user to easily identify and rapidly select desired media.

11. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Qureshey/Lin-Hendel and Dom et al (6,166,735).

Claim 23:

See claim 14. Lin-Hendel teaches that link-tokens may be represented by a thumbnail (col. 1, lines 55-67). Qureshey teaches identifiers that can be selected by the user for playing or retrieving media objects (par. 0015); and Dom teaches visual representations being thumbnail images.

12. Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over Qureshey and Benson et al (US 2004/0039741 A1).

Claim 47:

See claim 1. Qureshey discloses a software module that is configured to decode compressed audio files into a playable (uncompressed) format (par. 0010, 0019, 0101, 0127). Qureshey does not teach a decryption key for retrieving media objects and retrieving media objects from the server in an encrypted or decrypted form. However, Benson discloses a method and system for managing a data object so as to comply with predetermined conditions for usage of the data object (abstract; par. 0016-0022). Benson teaches an appliance having a microprocessor controller for decrypting and using control rules and other selected encrypted information content encapsulated in a secure container by using a cryptographic key and applying the decrypted control rules to regulate use in accordance with control information contained within the control rules (par. 0129; p. 15, claims 81-82). Thus, it would have been obvious to a person having ordinary skill in the art at the time of invention to modify Qureshey's invention to include Benson's teachings of using a decryption key for the stored media objects

because, as Benson explains, it facilitates management of a diverse set of use and/or distribution rights which may be specific to different users and/or appliances.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to X. L. Bautista whose telephone number is (571) 272-4132. The examiner can normally be reached on Monday-Thursday 8:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



X. L. BAUTISTA
PRIMARY EXAMINER

xlb
January 18, 2007